

David Claus

From: Shawn Whittaker [shawn@whittaker-law.com]
Sent: Saturday, January 30, 2010 3:31 PM
To: David Claus
Cc: David Lee; Daniel Ho; Rick Kerger
Subject: Documents/Preliminary Analysis

David,

I know you mentioned the possibility of a motion to dismiss. Therefore, I have taken the liberty to highlight some statements between the Tiffin and UNVA people in the documents I previously provided you. Also, I obtained a copy of the version 7 budget, which you have not seen before. This budget appears to be the one sent with the June 6, 2009 email, bates number UNVA.Tiff 11. As to the other attachments referenced in the emails, UNVA does not have copies of these attachments.

I am requesting that you provide me with a copy of all the attachments and I appreciate this courtesy. Further, I have provided you a majority of the evidence my client has prior to the start of discovery so that you can properly assess this case sooner rather than later. However, you have not provided me one document in exchange although I requested documents from you when I provided you UNVA's documents. I believe the voluntary exchange of material should be mutual. Also, I have not spoken to Rick about discovery yet, but I know we will want to see all of Laura Mays and Perry Haan's emails and files from the beginning of 2009 until current. I am sure their emails will further support UNVA's case.

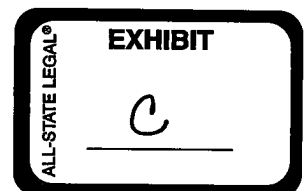
As Tiffin should see from the attached highlighted documents, the story Tiffin presented at mediation is not supported by these documents. For example, if Tiffin entered into a contract on April 1, 2009, when Michelle Phillon allegedly resigned, there had to be substantial discussions prior to April 1 as evidenced by the April 1, 2009 email with the "Tiffin Transition Plan" attached. UNVA.Tiff 1. Furthermore, Mitchell Young was Tiffin's primary contact person prior to June 23, 2009 (UNVA.Tiff 29), and Tiffin knew that Mitchell Young, the head person at UNVA Prague, had not resigned from UNVA (UNVA.Tiff 35). Assuming that Michelle Phillon did indeed resign on April 1, 2009 according to Tiffin, how does that account for Mitchell Young, Tiffin's primary contact at UNVA, who did not resign? Although Tiffin knew that Mitchell Young was concerned "about his sense of betrayal" (UNVA.Tiff 29) and that he had not resigned, Tiffin continued to work with Young in an attempt to lure UNVA staff and students away from UNVA.

I am providing you this information and analysis so that your client can hopefully review its position prior to all the parties incurring substantial litigation costs. I am not trying to argue the case, and we will both have ample time to do so during trial if we can't settle.

With that said, in the event we cannot settle, we need to block out a week of time this summer I assume to travel to Prague to conduct depositions. We should block out the time sooner rather than later due to everyone's schedules.

Shawn C. Whittaker, Esq.
Whittaker & Associates, P.C.
1010 Rockville Pike, Ste. 607
Rockville, Maryland 20852
301-838-4502 voice
301-838-4505 fax
shawn@whittaker-law.com
www.whittaker-law.com

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